

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

QUINTON LEWIS,

Plaintiff,

Civil No. 06-670-CO

v.

FINDINGS AND
RECOMMENDATION

BERNIE GUISTO,

Defendant.

COONEY, Magistrate Judge.

By Order (#6) entered June 20, 2006, plaintiff's application to proceed in forma pauperis was denied. Plaintiff was allowed 30 days to notify the court whether he authorized the withdrawal of the \$350 filing fee from his prison trust account and advised that failure to notify the court within 30 days would result in the dismissal of this action for failure to prosecute.

Plaintiff has not paid the filing fee or notified the

court as ordered. This action should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 14 day of September, 2006.

s/
John P. Cooney
United States Magistrate Judge